## EXHIBIT 5

## GOP pulled no punches in struggle for Medicare bill

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## BY ROBERT NOVAK SUN-TIMES COLUMNIST

During 14 years in the Michigan Legislature and 11 years in Congress, Rep. Nick Smith had never experienced anything like it. House Speaker Dennis Hastert and Health and Human Services Secretary Tommy Thompson, in the wee hours last Saturday morning, pressed him to vote for the Medicare bill. But Smith refused. Then things got personal.

Smith, self term-limited, is leaving Congress.

His lawyer son Brad is one of five
Republicans seeking to replace him from a
GOP district in Michigan's southern tier. On
the House floor, Nick Smith was told
business interests would give his son
\$100,000 in return for his father's vote. When
he still declined, fellow Republican House
members told him they would make sure Brad Smith never came to Congress. After Nick Smith
voted no and the bill passed, Duke Cunningham of California and other Republicans taunted him
that his son was dead meat.

The bill providing prescription drug benefits under Medicare would have been easily defeated by Republicans save for the most efficient party whip operation in congressional history. Although President Bush had to be awakened to collect the last two votes, Majority Leader Tom DeLay and Majority Whip Roy Blunt made it that close. "DeLay the Hammer" on Saturday morning was hammering fellow conservatives.

Last Friday night, Rep. Pat Toomey of Pennsylvania hosted a dinner at the Hunan restaurant on Capitol Hill for 30 Republicans opposed to the bill. They agreed on a scaled-down plan devised by Toomey and Rep. Mike Pence of Indiana. It would cover only seniors without private prescription drug insurance, while retaining the bill's authorization of private health savings accounts. First, they had to defeat their president and their congressional leadership.

They almost did. There were only 210 yes votes after an hour (long past the usual time for House roll calls), against 224 no's. A weary George W. Bush, just returned from Europe, was awakened at 4 a.m. to make personal calls to House members.

Republicans voting against the bill were told they were endangering their political futures. Major contributors warned Rep. Jim DeMint they would cut off funding for his Senate race in South Carolina. A Missouri state legislator called Rep. Todd Akin to threaten a primary challenge against him.

Intense pressure, including a call from the president, was put on freshman Rep. Tom Feeney. As speaker of the Florida House, he was a stalwart for Bush in his state's 2000 vote recount. He is the Class of 2002's contact with the House leadership, marking him as a future party leader. But now, in those early morning hours, Feeney was told a "no" vote would delay his ascent into leadership by three years — maybe more.

Feeney held firm against the bill. So did DeMint and Akin. And so did Nick Smith. A steadfast party regular, he has pioneered private Social Security accounts. But he could not swallow the unfunded liabilities in this Medicare bill. The 69-year-old former dairy farmer this week was still reeling from the threat to his son. "It was absolutely too personal," he told me. Over the telephone from Michigan on Saturday, Brad Smith urged his father to vote his conscience.

However, the leadership was picking off Republican dissenters, including eight of 13 House members who signed a Sept. 17 letter authored by Toomey pledging to support only a Medicare bill very different from the measure on the floor Saturday. That raised the Republican total to 216, still two votes short.

The president took to the phone, but at least two Republicans turned him down. Finally, Bush talked Reps. Trent Franks of Arizona (a ninth defector from the Toomey letter) and Butch Otter of Idaho -- into voting "yes." They were warned that if this measure failed, the much more liberal Democratic bill would be brought up and passed.

The conservative Club for Growth's Steve Moore, writing to the organization's directors and founders, said defeat of the Medicare bill "would have been a shot across the bow at the Republican establishment that conservatives are sick of the spending splurge that is going on inside Washington these last few years."

Hammering the conservatives to prevent that may have been only a short-term triumph.